

REMARKS

In the final Office Action mailed November 14, 2007, the Examiner noted that claims 1-32 were pending, allowed claim 26, objected to claim 20 and rejected claims 1-25 and 27-32. Claims 1, 5, 12, 15, 17, 19, 20, 21, 27, 28, 31, and 32 have been amended and, thus, in view of the forgoing claims 1-32 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections and objections are traversed below.

Entry of this amendment is requested as no new issues have been raised. First, some of the claims have been amended to change "semicircular" to "arc shaped", which term has been before the Examiner since the application was filed (see original claim 6, for example). Some of the claims have also been amended to recite the interface in a "lower" corner and this term has also been before the Examiner since the application was originally filed (see original claim 28). In addition, the amendments reduce the issue for appeal.

In the Office Action, the Examiner objected to claim 20 and suggested a change. The claim has been amended in consideration of the Examiner's comments. If additional concerns with the claims arise, the Examiner is invited to telephone to resolve the same. Suggestions by the Examiner are also welcome. Withdrawal of the objection is requested.

On page 3 of the Action, the Examiner objected to the specification and rejected claims 15-19, 31 and 32 under 35 U.S.C. section 112, paragraph 1 for failure to comply with the written description requirement. Essentially the Examiner alleges that there is no support for a semicircular interface in a corner and uses the definition of semicircle: "a plane figure with the shape of a half circle".

First, it is noted that the phrase, which the Examiner asserts is not supported, "persistent semicircular graphic located in a corner of a display area" was in claim 15 when it was originally filed, the phrase "a semicircular persistent graphic located in a corner of a display area" was also in claim 19 when it was originally filed. It is a well known principle of patent law that the originally filed claims are part of the written description. As a result, it is submitted that the term or phrase of concern to the Examiner is within the written description and that the claims comply with 35 USC 112, first paragraph. Withdrawal of the rejection is requested on this basis.

Second, it is noted that the Examiner did not provide a cite to the definition used and clarification of the source of the definition is requested. The rejection is traversed for failure to

provide an adequate foundation for the rejection. Withdrawal of the rejection is requested on this additional basis.

Third, it is submitted that the use of the term semicircle is supported by other dictionary definitions that are to be considered. Other definitions for semicircle include semicircle 1. half circle: half of the area or circumference of a circle. 2. curved line: a curved or crescent-shaped line of things or people in the shape of a semicircle (see Encarta copyright 2007 Microsoft). Withdrawal of the rejection is requested on this further basis is requested.

In addition the claims have been changed to reflect that the graphic is a "arc shaped" as found in other claims. The Examiner is thanked for the questioning of this rejection as it has allowed the claims of concern to be broadened relative to the definition provided by the Examiner. Withdrawal of the rejection is requested.

On page 6 of the Office Action, the Examiner rejected claims 1-9, 11, 21 and 31 under 35 U.S.C. § 103 as obvious over Selker and Pitroda. The Office Action rejects claims 20, 23-25 and 27-30 under 35 U.S.C. § 103 over Keely, Selker and Pitroda. The Office Action rejects dependent claim 10 over Selker, Kurtenbach and Pitroda. The Office Action rejects claim 22 over Keely, Selker and Pitroda.

The Examiner, on page 8, acknowledges that Selker does not teach a display across corner edges and looks to Pitroda. The Examiner asserts that Pitroda has an arc shaped graphic in a display corner and points to Pitroda figure 11A and paragraph 131. Pitroda teaches that the graphic 1110 is a "sphere" which when selected by a user, "the sphere and its primary universes move to a corner of the display".

First, a sphere is not "an arc shaped persistent graphic starting near a first display edge and ending near a second display edge" (claim 1) nor is it "an arc shaped graphic starting near a first display edge and ending near a second display edge" (claim 6), nor is it "a persistent interface having an interface arc shape, located in corner of a display area" (claim 12), not is it "a persistent ~~semicircular~~sector of a circle graphic located in a corner of a display area" (claims 15 & 19), nor is it "a persistent graphical user interface in an arc shape at a corner location" (claims 20, 27), nor is it "an graphical user interface in an arc shape at a display corner location" (claim 21), nor is it "an interface arc shape where the arc shape starts near a first display edge and ends near a second display edge" (claim 28), nor is it "a fixed position, ~~semicircular~~sector of a circle shaped, display edge intersecting menu bar interface graphic located in a display corner"

(claim 31) nor is it "an arc shaped persistent graphic defining the interface area where the arc starts near a first display edge and ends near a second display edge".

As noted above, the sphere of Pitroda is located in an upper corner. In contrast, the interface of claim 28 is "in a lower corner of the display". Claims 1, 5, 12, 17, 19-21, 27, 31, and 32 have been amended to also emphasize the interface in the lower corner. The lower corner allow the user's access to the interface to be in a natural motion of the user of pivoting the hand around the elbow which eases access to the interface when the display is a tablet type display sitting on a desk of the user or the user's lap. The upper corner as in Pitroda requires an extension motion by the arm, a more difficult and awkward motion for a user using a tablet type display. Selker, Keely and Kurtenbach add nothing to Pitroda to provide such a benefit.

Withdrawal of the rejections are requested.

The dependent claims depend from the above-discussed independent claims and are patentable over the prior art for the reasons discussed above. The dependent claims also recite additional features not taught or suggested by the prior art. For example, claim 3 emphasizes "a location responsive to the natural motion of the user hand is defined by the natural motion passing through a substantial center area of a display area". The Examiner points to a part of Selker that the Examiner asserts says the position is not limited. However, saying that the position is not limited does not teach anything about how to limit it, particularly in the way of claim 3. The rejection is without a rational about how Selker actually teaches the feature of claim 3 and therefor is without a proper foundation. It is submitted that the dependent claims are independently patentable over the prior art.

It is submitted that the claims satisfy the requirements of 35 U.S.C. 112. It is also submitted that claim 26 continues to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

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